

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:09-cv-00267

ROANOKE CEMENT COMPANY LLC

Plaintiff,

v.

MICHAEL GLENN LATHAM d/b/a BLACK
MOUNTAIN CONCRETE READY MIX

Defendant.

DEFAULT JUDGMENT

THIS CAUSE came to be heard and was heard by the undersigned upon the motion of Plaintiff for default judgment, pursuant to Rule 55(b), Federal Rules of Civil Procedure.

AND IT APPEARING to the Court from the Amended Verified Complaint, Plaintiff's Motion for Entry of Default and for Default Judgment, and this Court's Entry of Default, all of which have been filed with this Court,

THAT service was had on Defendant and proof thereof filed of record pursuant to Rule 4(l) of the Federal Rules of Civil Procedure;

THAT the Court has jurisdiction over the subject matter of this action and over Defendant;

THAT judgment is for a sum certain;

THAT Defendant has failed to plead or respond to the Amended Verified Complaint in the time allowed by law;

THAT default was duly entered against Defendant;

AND THAT Defendant is indebted to Plaintiff in sum certain of ONE
HUNDRED FORTY-SIX THOUSAND ONE HUNDRED THIRTY AND 33/100THS

DOLLARS (\$146,130.33), with interest continuing to accrue at the contract rate of 1 ½ percent per month from July 1, 2009 until judgment, and at the highest legal rate thereafter, plus attorneys' fees and costs associated with this action;

ALL ON THE GROUNDS THAT default has been entered against Defendant for failure to answer or otherwise defend as to the Amended Verified Complaint; and that Plaintiff's Motion for Default Judgment should be allowed, pursuant to Rule 55(b), Federal Rules of Civil Procedure, for good cause shown;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED:

THAT Plaintiff have and recover of Defendant the sum of ONE HUNDRED FORTY-SIX THOUSAND ONE HUNDRED THIRTY AND 33/100THS DOLLARS (\$146,130.33), with interest continuing to accrue at the contract rate of 1 ½ percent per month from July 1, 2009 until judgment, and at the highest legal rate thereafter, plus attorneys' fees and costs associated with this action.

This, the 17th day of September, 2009.


Frank G. Johns, Clerk
United States District Court

